

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 02-3830
	:	
ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION,	:	
et al.,	:	
	:	
Defendants.	:	

FILED JAN 25 2005

ORDER

AND NOW, this 25th day of January 2005, upon consideration of Defendant Advanced Environmental Technology Corporation's ("AETC") Motion to Overrule Objections and Compel Plaintiff Boarhead Farm Agreement Group to Respond to AETC's Discovery Requests (Doc. No. 123), filed December 1, 2004, and Boarhead Farm Agreement Group's ("BFAG") Response (Doc. No. 124), filed December 16, 2004, it is hereby ORDERED as follows.

According to AETC, its connection to the instant contribution claim for costs associated with the cleanup of the Boarhead Farms Superfund Site ("the Site") is that it "was a broker who acted as the go-between between DeRewal Chemical ["DCC"] and Defendants Ashland Chemical and Diaz Chemical." (Def.'s Mot. at 2 n.1.) DCC allegedly transported and disposed of hazardous substances produced by Ashland and Diaz at the Site.

In the motion presently before the Court, AETC seeks information related to (i) whether BFAG alleges that AETC is an "arranger" under CERCLA and BFAG's factual bases therefor, (ii) whether BFAG contends that AETC is responsible for Diaz Chemical's allocable

share of liability, (iii) the amount of hazardous waste allegedly generated by Ashland and Diaz, as well as the portion of response costs for which Ashland, Diaz and AETC are allegedly responsible, (iv) whether BFAG agrees that DCC secretly disposed of hazardous substances at the Site, and (v) identification of any declarations against interest or admissions made by any party to the litigation in order to help it determine the factual basis the of the suit against it. In its Response, BFAG objects to these inquiries on the grounds that (i) the responses it supplied are appropriate, and (ii) that Defendant's interrogatories are premature "contention interrogatories" calling for Plaintiff to articulate theories of its case not yet fully developed.

Under Rule 26 of the Federal Rules of Civil Procedures, "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party" Fed. R. Civ. P. 26(b)(1). However, the court may defer contention interrogatories¹ until a later stage of discovery. B. Braun Medical Inc. v. Abbott Laboratories, et al., 155 F.R.D. 525, 527 (E.D. Pa. 1994). "The party serving contention interrogatories bears the burden of proving how an earlier response assists the goals of discovery." Id.

In its response, Plaintiff states that all of the relevant documents in its possession have been made available to Defendant AETC (Pl.'s Response at 4), that it has fully stated the basis for its action against AETC (Pl.'s Response at 5), and that it will supplement its response to the interrogatory as appropriate (Pl.'s Response at 5). Plaintiff avers that the theories of its case are not yet fully developed and, as such, the contention interrogatories are premature. (Pl.'s

¹ "Contention interrogatories ask a party: to state what it contends; to state whether it makes a specified contention; to state all the facts upon which it bases a contention; to take a position, and explain or defend that position, with respect to how the law applies to facts; or to state the legal or theoretical basis for a contention." B. Braun Medical Inc. v. Abbott Laboratories, et al., 155 F.R.D. 525, 527 (E.D. Pa. 1994) (citations omitted).

Response at 6.) In its motion, Defendant AETC has not made a showing that early answers ““will contribute meaningfully to clarifying the issues in the case, narrowing the scope of the dispute, or setting up early settlement discussions, or that such answers are likely to expose a substantial bases for a motion under Rule 11 or Rule 56.”” Id. (quoting In re Convergent Technologies Secs. Litig., 108 F.R.D. 328, 340-41 (N.D. Cal. 1985)).

Therefore, because Defendant AETC has not met its burden and in order to prevent Plaintiff from being forced to articulate theories of their case not yet fully developed, Defendant’s Motion to Compel (Doc. No. 123) is DENIED.

BY THE COURT:



Legrome D. Davis, J.

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3

4 BOARHEAD FARM AGREEMENT
5 GROUP,

6 Plaintiff,

vs.

CIVIL ACTION NO.
02-CV-3830

Judge Legrome D. Davis
Oral Deposition of
JOEL JEROME

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
26 UNITED STATES OF AMERICA
27 DEPARTMENT OF NAVY,
28 Defendants.

* * * * *

9 Thursday, January 6, 2005

* * * * *

0
1 Transcript in the above matter taken at
2 the offices of Ballard, Spahr, Andrews & Ingersoll,
3 LLP, Plaza 1000, Main Street, Suite 500, Voorhees,
4 New Jersey, commencing at 1 o'clock P.M.

5 Certified Shorthand Reporting Services

Arranged Through

Mastroianni & Formaroli, Inc.

709 White Horse Pike

Audubon, New Jersey 08106

(856) 546-1100

Page 2

APPEARANCES:

BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP
 BY: GLENN A. HARRIS, ESQUIRE
 PLAZA 1000, MAIN STREET, # 500
 VOOHIES, NEW JERSEY 08043
 (856)761-3400
 ATTORNEYS FOR THE PLAINTIFF

WOLFF & SAMSON, PC
 BY: THOMAS W. SABINO, ESQUIRE
 THE OFFICES AT CRYSTAL LAKE
 ONE BOLAND DRIVE
 WEST ORANGE, NEW JERSEY 07052-3698
 (973)530-2044
 ATTORNEYS FOR THE DEFENDANT,
 ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION
 PHELAN, PETTIT & BIEDRZYCKI, ESQUIRES
 BY: JEFFREY PETTIT, ESQUIRE
 NORTH AMERICAN BUILDING
 121 SOUTH BROAD STREET, SUITE 1600
 PHILADELPHIA, PENNSYLVANIA 19107
 (215)546-0500
 ATTORNEYS FOR THE DEFENDANT,
 ASHLAND CHEMICAL COMPANY

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
 STEWART & OLSTEIN, PC
 BY: MELISSA E. FLAX, ESQUIRE
 6 BECKER FARM ROAD
 ROSELAND, NEW JERSEY 07068-1739
 (973)994-1700
 ATTORNEYS FOR THE DEFENDANT,
 HANDY & HARMAN TUBE COMPANY, INC.
 EDWARD FACKENTHAL, ESQUIRE (present via phone)
 ONE MONTGOMERY PLAZA, SUITE 902
 NORRISTOWN, PENNSYLVANIA 19404
 (610)279-3370
 ATTORNEYS FOR THE DEFENDANT,
 NRM INVESTMENT COMPANY

Page 4

EXHIBITS

- 1
- 2 Jerome-1: Letter, 7/2/93 with Attachments
Page 24
- 3
- 4 Jerome-2: Letter, 4/28/94
Page 36
- 5 Jerome-3: Memo, 12/15/77
Page 49
- 6
- 7 Jerome-4: Bills of Lading
Page 55
- 8 Jerome-5: Bills of Lading
Page 59
- 9
- 10 Jerome-6: Bills of Lading
Page 63
- 11 Jerome-7: Miscellaneous Shipping Order
Page 65
- 12
- 13 Jerome-8: Bill of Lading
Page 67
- 14 Jerome-9: Bills of Lading
Page 67
- 15
- 16 Jerome-10: PHKS Trust Ledger
Page 69
- 17 Jerome-11: E-mail, 3/26/04
Page 69
- 18
- 19
- 20
- 21
- 22 (Exhibits Retained by Counsel - Not Attached)
- 23
- 24
- 25

Page 3

WITNESS INDEX

Examination of Mr. Jerome

By Mr. Sabino: Page 5

By Mr. Pettit: Pages 71, 86

By Ms. Flax: Page 84

Page 5

- 1 (Joel Jerome, having been duly sworn, was examined
- 2 and testified as follows:)
- 3 (EXAMINATION OF MR. JEROME BY MR. SABINO:)
- 4 Q. Good afternoon, Mr. Jerome.
- 5 A. Good afternoon.
- 6 Q. My name is Thomas Sabino. I'm an
- 7 attorney with the law firm of Wolff & Samson. I
- 8 represent a defendant, Advanced Environmental
- 9 Technology Corp. in the litigation that has been
- 10 instituted by the Boarhead Farm Agreement Group.
- 11 We're here today to take your deposition with respect
- 12 to one of the members of the agreement group, Cytec.
- 13 As a courtesy, I'm going to have the
- 14 other lawyers introduce themselves so you know who
- 15 they're with.
- 16 MR. PETTIT: Jeff Pettit, Ashland Oil.
- 17 MS. FLAX: Melissa Flax, Handy & Harman
- 18 Tube Company.
- 19 MR. SABINO: There's a gentleman on
- 20 the phone.
- 21 MR. FACKENTHAL: Edward Fackenthal, NRM
- 22 Investment Company.
- 23 THE WITNESS: Okay.
- 24 BY MR. SABINO:
- 25 Q. Okay. Have you had your deposition

2 (Pages 2 to 5)

Page 26

1 we were spun off. There was not much of an
2 environmental department. It could have been Norma
3 Weston was still there, I think.

4 Q. What was her position before the spinoff
5 occurred?

6 A. Well, the way our group was set up, I
7 was strictly remediation. She was on the operational
8 side, so I couldn't tell you what she did.

9 Q. Okay. Is she affiliated with Cytec
10 today?

11 A. She's retired.

12 Q. She's retired, okay.

13 Do you know where she lives?

14 A. Somewhere near, not too far from Bound
15 Brook.

16 Q. Okay. Is Margaret Tribble affiliated
17 with Cytec?

18 A. Margaret Tribble went to American Home
19 with the spinoff, and she subsequently retired from
20 Wyeth last year.

21 Q. If you could just turn to the second
22 page, please, of Exhibit 1. There's references here
23 to intermediates department, rubber chemicals
24 department, pharmaceutical department. Aside from
25 those three and the environmental department, could

Page 28

1 department? It's fundamental.

2 MR. HARRIS: Let's make sure we're
3 clear on the time frame.

4 MR. SABINO: I wanted to know at the
5 time more or less contemporaneously with this July
6 1993 letter and before it was spun off.

7 MR. HARRIS: Okay.

8 BY MR. SABINO:

9 Q. Aside from the pharmaceutical
10 department, rubber chemicals, intermediates
11 departments and environmental department, if you were
12 aware as the corporate representative if there were
13 any other departments at the Bound Brook facilities,
14 and I think your answer was no?

15 A. No.

16 MR. HARRIS: And that's fine. So the
17 record is clear on what I'm talking about, your
18 notice says between '70 and '78. You just asked him
19 about what the status was in 93. That's not within
20 the scope of your notice. That's my problem with the
21 question.

22 MR. SABINO: I understand.

23 THE WITNESS: And I'll correct it. I
24 was answering in the time frame of the '70s.

25 BY MR. SABINO:

Page 27

1 you tell me before the spinoff occurred in about '93
2 if there were any other departments in American
3 Cyanamid Bound Brook?

4 A. Not to my knowledge, no.

5 Q. Not to your knowledge, okay.

6 MR. HARRIS: Just to highlight, his
7 knowledge is the guy sitting here today, not Cytec's
8 knowledge. You asked him. Otherwise, we've got a
9 problem here.

10 MR. SABINO: I'm not asking him any
11 personal questions. I'm asking him as the corporate
12 representative.

13 MR. HARRIS: Then I have to start to
14 object to all of these questions.

15 MR. SABINO: Why?

16 MR. HARRIS: Because they're outside
17 the scope of your deposition notice. Look, Tom, I'm
18 trying to be easy to get along with. If you want to
19 ask him about any of these people, fine, I made my
20 little objection. To the extent he knows personally,
21 I'm happy to let you get it on.

22 MR. SABINO: But how am I going to get
23 to the waste streams unless I understand what the
24 departments are and what each department created and
25 then understand what the waste stream was for each

Page 29

1 Q. Okay. Well, I was going to take a step
2 back. I wanted to --

3 A. I didn't understand. I misunderstood
4 your question.

5 Q. Sure.

6 A. In 1993 --

7 Q. Yes.

8 A. -- the only operations there to my
9 knowledge was the pharmaceutical department.

10 Q. Okay. So now, let's take it back to the
11 '69 to '77 period. Using this as a guide,
12 pharmaceutical department, rubber chemicals
13 department, intermediates department and
14 environmental department, in that time period, were
15 there any departments that were operating at the
16 American Cyanamid Bound Brook facility?

17 A. These four departments are manufacturing
18 departments.

19 Q. Okay.

20 A. There was also engineering department.

21 Q. Okay.

22 A. There were laboratories, there was
23 accounting department.

24 Q. Okay.

25 A. As well as the environmental department.

8 (Pages 26 to 29)

EXHIBIT C

1 United States District Court
2 Eastern District of Pennsylvania
3 Civil Action No. 02-3830

4
5 Boarhead Farm Agreement Group
6 plaintiff

Oral Deposition of:
Brian J. Busa

7 V.
8 Advanced Environmental
9 Technology Corporation,
et als.,
defendants

0
1 * * * * *
Tuesday, February 8, 2005

2 * * * * *
3 Transcript in the above matter taken
4 at the law offices of Ballard, Spahr, Andrews &
Pennsylvania, commencing at 2:00 p.m.

5
6
7
8
9
10
11
12
13 CERTIFIED SHORTHAND REPORTING SERVICES
Arranged Through
14 MASTROIANNI & FORMAROLI, INC.
709 White Horse Pike
15 Audubon, New Jersey 08106
(856) 546-1100

Page 2

Page 4

Appearances:

Ballard, Spahr, Andrews & Ingersoll, LLP
 By: Glenn Harris, Esquire
 1735 Market Street
 Philadelphia, Pennsylvania 19103
 Attorneys for the plaintiff

Edwards & Angell, LLP
 By: Lynn Wright, Esquire
 750 Lexington Avenue
 New York, New York 10022
 Attorneys for defendant,
 Carpenter Technology Corp.
 Phelan, Pettit & Biedrzycki
 By: Jeffrey L. Pettit, Esquire
 121 South Broad Street, Suite 1600
 Philadelphia, Pennsylvania 19107
 Attorneys for Defendant, Ashland, Inc.
 Carella, Byrne, Bain, Gilfillan,
 Cecchi, Stewart & Olstein
 By: Melissa E. Flax, Esquire
 5 Becker Farm Road
 Roseland, New Jersey 08068
 Attorneys for defendant,
 Handy & Harmon Tube Company

1 Brian J. Bussa, having been duly sworn, was
 2 examined and testified as follows:
 3 BY MS. WRIGHT:
 4 Q. Mr. Bussa, my name Lynn Wright. I
 5 apologize very much for being late. But there
 6 are a couple of things that we just need to go
 7 over today. Let me just first ask you for the
 8 record your name is?
 9 A. Brian Bussa.
 10 Q. And I'm going to ask you a number of
 11 questions today and really just to find out
 12 about other people who might have information
 13 regarding Ford Motor Company and this litigation
 14 relating to the Boarhead Farms Group. I'm going
 15 to try and speak clearly and try and make my
 16 questions very simple. But if you don't
 17 understand me please ask me to either repeat the
 18 question or if you don't understand what I'm
 19 asking to ask me to ask it in another way. I'll
 20 be happy to do that.
 21 I'm sure that Glenn is not going to object
 22 to any of my questions so it should go very,
 23 very smoothly. Have you ever had your
 24 deposition taken before?
 25 A. Yes.

Page 3

Page 5

Witness Index

Examination of Brian J. Bussa

By Ms. Wright 4

EXHIBITS

Bussa 1	deposition notice	7
Bussa 2	1/20/05 letter	16
Bussa 3	1/24/92 letter	24

Requests: 26, 32, 35

1 Q. So you know that we can't speak at the
 2 same time so the court reporter can take down
 3 whatever it is that we have to say and all that
 4 stuff. Are you a lawyer?
 5 A. No.
 6 Q. Are you taking any drugs or medications or
 7 anything like that that would prevent you from
 8 understanding or remembering any facts relating
 9 to this case?
 10 A. Nothing that would prevent me from
 11 understanding.
 12 Q. How about remembering?
 13 A. Probably not remembering too.
 14 Q. What is your position with Ford Motor
 15 Company?
 16 A. I'm an environmental engineer.
 17 Q. What is your educational background?
 18 A. I'm a geologist and have a bachelor of
 19 science degree in geology.
 20 Q. Where did you get that?
 21 A. Hope College in Holland, Michigan.
 22 Q. When did you graduate?
 23 A. 1983.
 24 Q. How long have you been with Ford Motor
 25 Company?

2 (Pages 2 to 5)

Page 10

Page 12

1 with that.

2 MS. WRIGHT: I just want to know
3 who in the company.

4 MR. HARRIS: I don't know if he
5 knows but I'll tell him not to answer that one.

6 MS. WRIGHT: Tell him not to
7 answer?

8 MR. HARRIS: Yes. It's not --
9 which one of the topics of the topics here has
10 to do with why we sued you?

11 MS. WRIGHT: I think it's related
12 to the action.

13 MR. HARRIS: Maybe, but you didn't
14 ask us to produce a witness that had Ford's
15 knowledge of the action. You asked about a
16 witness that had knowledge about facilities, the
17 disposal of waste, Marvin Jonas and money we
18 spent.

19 MS. WRIGHT: But I think this is a
20 fair question. If he doesn't know the answer
21 don't you think we are wasting time.

22 MR. HARRIS: What does the answer
23 have to do with this case anyway. Who at Ford
24 decided whether you join --

25 MS. WRIGHT: I want to know who had

Page 11

1 the most knowledge and considered it. I might
2 want to take their deposition.

3 MR. HARRIS: Okay. No. He's not
4 going to answer that one.

5 BY MS. WRIGHT:

6 Q. I'll pose the question again and if you
7 choose not to answer, that's fine. But I want
8 to know who at Ford had the most knowledge in
9 deciding to file the complaint in this action?

10 MR. HARRIS: Knowledge about what?
11 I don't know what that question means.

12 Q. Do you understand the question?

13 A. Not completely, no.

14 Q. To your knowledge, did someone at Ford
15 make a decision to file a complaint in this
16 action?

17 MR. HARRIS: I'm not going to let
18 him answer that one either.

19 MS. WRIGHT: And the basis?

20 MR. HARRIS: It's not covered by
21 this deposition notice. He's not a fact
22 witness.

23 MS. WRIGHT: I know he's not a fact
24 witness. I'm asking him for people, Glenn. I'm
25 not asking him for the substantive underlying

1 facts. I'm asking him whether or not he knows
2 of people that will lead to relevant
3 information. I think that that's well within
4 the bounds of this 30 b6 deposition.

5 MR. HARRIS: I disagree. I'm not
6 going to let him answer questions about Ford's
7 thinking, reasoning, analysis, pondering or
8 anything else.

9 MS. WRIGHT: I'm not asking him
10 that. I'm asking does he know who has the most
11 knowledge about it. I'm not going to ask him
12 anything about what that knowledge was or what
13 their thinking was. I know I'm entitled to know
14 who those people are if there are anybody.

15 MR. HARRIS: I'm not going to let
16 him answer that.

17 MS. WRIGHT: Because?

18 MR. HARRIS: It's not even remotely
19 connected to the topics that he's been prepared
20 to answer. You asked Ford to produce a witness
21 who is going to bind the company with his
22 answers. We're not going to sit here today and
23 ask questions outside these categories.

24 MS. WRIGHT: Read the first
25 sentence.

Page 13

1 MR. HARRIS: Okay. The waste
2 streams --

3 MS. WRIGHT: Matters relevant to
4 the above caption litigation. I think that who
5 made the decision is relevant.

6 MR. HARRIS: Oh, no, that isn't how
7 30 b6 works. Relevant -- no, we produced --
8 let's make this clear. Ford has produced a
9 witness to respond to categories 1 through
10 whatever, little 7. We didn't produce a witness
11 prepared to discuss matters relevant to the
12 above captioned litigation. We just didn't and
13 he's not prepared to answer questions.

14 MS. WRIGHT: We will take it up
15 with the judge.

16 MR. HARRIS: That's fine.

17 MS. WRIGHT: You will not allow him
18 to testify to the identity -- that's all I'm
19 asking for, we'll take it's up with the judge.

20 MR. HARRIS: All right.

21 BY MS. WRIGHT:

22 Q. Can you identify the three persons most
23 knowledgeable about Philco Ford's manufacturing
24 practices at the former Philco Ford facility in
25 Philadelphia as well as Watsontown,

4 (Pages 10 to 13)

EXHIBIT D

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN, P.C.

COUNSELLORS AT LAW

CHARLES C. CARELLA
BRENDAN T. BYRNE
JOHN N. BAIN
JOHN G. GILFILLAN, III
PETER G. STEWART
ELLIOT M. OLSTEIN
ARTHUR T. VANDERBILT, II
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
KENNETH L. WINTERS
JEFFREY A. COOPER
CARL R. WOODWARD, III
NABIL N. KASSEM
MELISSA E. FLAX
DENNIS F. GLEASON
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
KHOREN BANDAZIAN
THOMAS P. MONAHAN, JR. *

5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com

RICHARD K. MATANLE, II
DONALD S. BROOKS
RAYMOND R. SIBERINE
FRANCIS C. HAND
AVRAM S. EULE
LINDSEY H. TAYLOR
ROBERT I. HALPERN*
RAYMOND W. FISHER
DAVID J. REICH
OF COUNSEL

RAYMOND J. LILLIE
WILLIAM SQUIRE
ROBERT P. DONOVAN
ALAN J. GRANT*
MICHAEL P. PASQUALE
LAURA S. MUNZER
MARC D. MICELI
RAYMOND E. STAUFFER*
KERRIE R. HESLIN
ROBERT C. SCRIVO
JACOB A. KUBERT
*MEMBER N.Y. BAR ONLY

January 21, 2005

JAMES D. CECCHI (1933-1995)

*CERTIFIED BY THE SUPREME COURT
OF NJ AS A CIVIL TRIAL ATTORNEY

Via Facsimile and Ordinary Mail

Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, New Jersey 08043-4636

**RE: Boarhead Farm Agreement Group v. Advanced
Environmental Technology Corporation, et al.**
Case No. 02-03830 (LDD)
Our File No. 300580-21
Your File No. 892241

Dear Glenn:

Enclosed please find a Notice for Deposition for representative(s) of Agere. Please provide me with the name(s) of the designee(s) pursuant to Fed. R. Civ. P. 30(b)(6) as well as dates for the deposition. Please provide me with this information by next Friday (January 28th) so that we can secure dates for this deposition.

Your prompt attention to this matter is appreciated.

Very truly yours,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN


MELISSA E. FLAX

MEF

Enclosure

Cc: All Counsel (w/enclosure) (via facsimile and ordinary mail)

MELISSA E. FLAX [MF4060]
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
Attorneys for Defendant,
Handy & Harman Tube Company, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,

Plaintiff,

V.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.
02-cv-3830 (LDD)

NOTICE OF DEPOSITION

TO: Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, New Jersey 08043-4636
Attorneys for Plaintiff

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, deposition upon oral examination of the below deponent(s) will be taken before a notary public or some other officer authorized by law to administer oaths and take depositions, at the offices of Ballard Spahr Andrews & Ingersoll, LLP, 1735 Market Street, Philadelphia, Pennsylvania 19103, on a date and at a time to be scheduled by agreement of the parties. This examination is to be conducted from day to day or upon such adjourned date(s) as may be agreed upon until concluded.

Plaintiff Boarhead Farm Agreement Group member Agere by its representative(s) designated pursuant to Fed. R. Civ. P. 30(b)(6) shall be examined with respect to matters relevant to the within action including, but not limited to, the following:

A. With respect to the Pennsylvania Facility located at 555 Union Boulevard, Allentown, Pennsylvania 18103:

1. The manufacturing operations, including materials used in any process, conducted at the Pennsylvania Facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the Pennsylvania Facility for the period of 1970 through 1977.
3. The waste streams created at the Pennsylvania Facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the Pennsylvania Facility for the period of 1970 through 1977.
5. The waste disposal practices at the Pennsylvania Facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices at the Pennsylvania Facility for the period of 1970 through 1977.
7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.
8. The relationship between Marvin Jonas and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.

9. The relationship between the Boarhead Farm site and the Pennsylvania Facility for the period of 1970 through 1977.

B. With respect to the North Carolina Works facility located at Lexington Road, Winston-Salem, North Carolina:

1. The manufacturing operations, including materials used in any process, conducted at the North Carolina Works facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the North Carolina Works facility for the period of 1970 through 1977.
3. The waste streams created at the North Carolina Works facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the North Carolina Works facility for the period of 1970 through 1977.
5. The waste disposal practices at the North Carolina Works facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices at the North Carolina Works facility for the period of 1970 through 1977.
7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.

8. The relationship between Marvin Jonas and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.

9. The relationship between the Boarhead Farm site and the North Carolina Works facility for the period of 1970 through 1977.

C. With respect to costs expended by Agere in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site:

1. The money that Agere has expended in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site.

Dated: January 21, 2005

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

By: 
MELISSA E. FLAX [MF4060]

EXHIBIT E

MELISSA E. FLAX [MF4060]
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
Attorneys for Defendant,
Handy & Harman Tube Company, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,

Plaintiff,

V.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.
02-cv-3830 (LDD)

AMENDED NOTICE OF DEPOSITION

TO: Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, New Jersey 08043-4636
Attorneys for Plaintiff

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, deposition upon oral examination of the below deponent(s) will be taken before a notary public or some other officer authorized by law to administer oaths and take depositions, at the offices of Agere, 1110 American Parkway NE, Allentown, Pennsylvania, on February 10, 2005 commencing at 1:30 p.m. This examination is to be conducted from day to day or upon such adjourned date(s) as may be agreed upon until concluded.

Plaintiff Boarhead Farm Agreement Group member Agere by Marianne Santarelli, its representative designated pursuant to Fed. R. Civ. P. 30(b)(6), shall be examined with respect to matters relevant to the within action including, but not limited to, the following:

A. With respect to the Pennsylvania Facility located at 555 Union Boulevard, Allentown, Pennsylvania 18103:

1. The manufacturing operations, including materials used in any process, conducted at the Pennsylvania Facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the Pennsylvania Facility for the period of 1970 through 1977.
3. The waste streams created at the Pennsylvania Facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the Pennsylvania Facility for the period of 1970 through 1977.
5. The waste disposal practices at the Pennsylvania Facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices at the Pennsylvania Facility for the period of 1970 through 1977.
7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.
8. The relationship between Marvin Jonas and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.

9. The relationship between the Boarhead Farm site and the Pennsylvania Facility for the period of 1970 through 1977.

B. With respect to the North Carolina Works facility located at Lexington Road, Winston-Salem, North Carolina:

1. The manufacturing operations, including materials used in any process, conducted at the North Carolina Works facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the North Carolina Works facility for the period of 1970 through 1977.
3. The waste streams created at the North Carolina Works facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the North Carolina Works facility for the period of 1970 through 1977.
5. The waste disposal practices at the North Carolina Works facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices at the North Carolina Works facility for the period of 1970 through 1977.
7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.

8. The relationship between Marvin Jonas and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.
9. The relationship between the Boarhead Farm site and the North Carolina Works facility for the period of 1970 through 1977.

C. With respect to costs expended by Agere in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site:

1. The money that Agere has expended in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site.

Dated: February 1, 2005

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

By: 
MELISSA E. FLAX [MF4060]

EXHIBIT F

MELISSA E. FLAX [MF4060]
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
Attorneys for Defendant,
Handy & Harman Tube Company, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,

Plaintiff,

V.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.
02-cv-3830 (LDD)

SECOND AMENDED NOTICE OF DEPOSITION

TO: Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, New Jersey 08043-4636
Attorneys for Plaintiff

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, deposition upon oral examination of the below deponent(s) will be taken before a notary public or some other officer authorized by law to administer oaths and take depositions, at the offices of Agere, 1110 American Parkway NE, Allentown, Pennsylvania, on February 22, 2005 commencing at 10:00 a.m. This examination is to be conducted from day to day or upon such adjourned date(s) as may be agreed upon until concluded.

Plaintiff Boarhead Farm Agreement Group member Agere by Marianne Santarelli, its representative designated pursuant to Fed. R. Civ. P. 30(b)(6), shall be examined with respect to matters relevant to the within action including, but not limited to, the following:

A. With respect to the Pennsylvania Facility located at 555 Union Boulevard, Allentown, Pennsylvania 18103:

1. The manufacturing operations, including materials used in any process, conducted at the Pennsylvania Facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the Pennsylvania Facility for the period of 1970 through 1977.
3. The waste streams created at the Pennsylvania Facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the Pennsylvania Facility for the period of 1970 through 1977.
5. The waste disposal practices at the Pennsylvania Facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices at the Pennsylvania Facility for the period of 1970 through 1977.
7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.
8. The relationship between Marvin Jonas and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.

9. The relationship between the Boarhead Farm site and the Pennsylvania Facility for the period of 1970 through 1977.

B. With respect to the North Carolina Works facility located at Lexington Road, Winston-Salem, North Carolina:

1. The manufacturing operations, including materials used in any process, conducted at the North Carolina Works facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the North Carolina Works facility for the period of 1970 through 1977.
3. The waste streams created at the North Carolina Works facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the North Carolina Works facility for the period of 1970 through 1977.
5. The waste disposal practices at the North Carolina Works facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices at the North Carolina Works facility for the period of 1970 through 1977.
7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.

8. The relationship between Marvin Jonas and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.
9. The relationship between the Boarhead Farm site and the North Carolina Works facility for the period of 1970 through 1977.

C. With respect to costs expended by Agere in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site:

1. The money that Agere has expended in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site.

Dated: February 3, 2005

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

By: 

MELISSA E. FLAX [MF4060]

EXHIBIT G

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 _____ CIVIL ACTION NO.
4 02-CV-3830

5 Boarhead Farm Agreement Group,

6 Plaintiff,

Oral Deposition of

7 vs.

Dennis Shea

8 Advanced Environmental
9 Technology Corporation;
10 Ashland Chemical Company;
11 Boarhead Corporation;
12 Carpenter Technology
13 Corporation; Crown Metro,
14 Inc.; Diaz Chemical Corporation;
15 Emhart Industries, Inc.; Globe
16 Disposal Company, Inc.;
17 Globe-Wastech, Inc.; Handy &
18 Harman Tube Company, Inc.;
19 Knoll, Inc.; Merit Metal
20 Products Corporation; Novartis
21 Corporation; NRM Investment
22 Company; Plymouth Tube Company;
23 Quikline Design and Manufacturing
24 Company; Rahns Specialty Metals,
25 Inc.; Rohm & Haas Company; Simon
Wrecking Company, Inc.; Techalloy
Company, Inc.; Thomas & Betts
Corporation; Unisys Corporation;
United States of America
Department of Navy,

Defendants.

Certified Shorthand Reporting Services
arranged through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Page 2

Wednesday, February 9, 2005

Transcript in the above matter taken at
the offices of Drinker, Biddle & Reath, Esquires, One
Logan Square, 18th and Cherry Streets, Philadelphia,
Pennsylvania, commencing at 10:00 a.m.

APPEARANCES:

BALLARD, SPAHR, ANDREWS & INGERSOLL, ESQUIRES
BY: GLENN A. HARRIS, ESQUIRE
PLAZA 1000
MAIN STREET
VOORHEES, NEW JERSEY 08043
(856) 761-3400
Attorneys for the Plaintiff,
BFA
PHILAN, PETTIT & BIEBRZYCKI, ESQUIRES
BY: BRENT COSSROW, ESQUIRE
121 SOUTH BROAD STREET
SUITE 1600
PHILADELPHIA, PENNSYLVANIA 19107
(215) 346-0500
Attorneys for the Defendant,
Ashland

EDWARDS AND ANGELL, ESQUIRES
BY: LYNN WRIGHT, ESQUIRE
750 LEXINGTON AVENUE
NEW YORK, NEW YORK 10022
(212) 756-0215
Attorneys for the Defendant,
Carpenter Technology Corporation
(VIA TELEPHONE)
CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
STEWART & OLSTEIN, ESQUIRES
BY: MELISSA E. FLAX, ESQUIRE
5 BECKER FARM ROAD
ROSELAND, NEW JERSEY 07068
(973) 994-1700
Attorneys for the Defendant,
Handy & Harman Tube Company
(VIA TELEPHONE)

Page 3

APPEARANCES: (Continued)

DRINKER, BIDDLE & REATH, ESQUIRES
BY: ADINA D. BINGHAM, ESQUIRE
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PENNSYLVANIA 19103
(215) 988-2512
Attorneys for the Defendants,
RSM, Inc., Techalloy and
Thomas & Betts Corporation
MONTGOMERY, MC CRACKEN, WALKER & RHOADS,
ESQUIRES
BY: SALLY ACKERMAN KING, ESQUIRE
123 SOUTH BROAD STREET
AVENUE OF THE ARTS
PHILADELPHIA, PENNSYLVANIA 19109
(215) 772-7412
Attorneys for the Defendant,
SPS Technologies

Page 4

WITNESS INDEX

1
2 Examination of Mr. Shea by Ms. Bingham:
Page 6

3
4 Examination of Mr. Shea by Mr. Cossrow:
Page 84
5 Examination of Mr. Shea by Ms. Flax:
Page 85

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 5

EXHIBITS

EXHIBIT INDEX

NONE MARKED FOR IDENTIFICATION

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 78

1 analysis of -- of why we think waste did or didn't go
2 somewhere else, we're here to respond to factual
3 questions.

4 MS. BINGHAM: I was asking for the
5 factual bases for his assertion of zero, that's a
6 fact. I'm asking for a factual bases.

7 MR. HARRIS: Well, frankly, I
8 understood your question to be did SPS send any waste
9 to the site, I understood his answer to be no because
10 SPS didn't send any waste to the site.

11 MS. BINGHAM: Okay.

12 MR. HARRIS: They may have given waste
13 to De Rewal or they may have given waste to Marvin
14 Jonas, but they -- I understood his answer to mean
15 SPS didn't send any waste to the Boarhead site.

16 MS. BINGHAM: I will rephrase the
17 question then.

18 BY MS. BINGHAM:

19 Q. What volume of waste that was picked up
20 by De Rewal made its way to Boarhead Farm from SPS?

21 MR. HARRIS: I'm not going to let him
22 answer that question either. He doesn't have any
23 knowledge of that. That's not within the scope.

24 MS. BINGHAM: The relationship between
25 Boarhead Farm and Standard Press Steel?

Page 79

1 MR. HARRIS: There is none.

2 THE WITNESS: There is none.

3 MR. HARRIS: They had no business
4 dealings, that's the relationship. None. They
5 didn't do business.

6 MS. BINGHAM: Their presence at
7 Standard Press Steel waste on Boarhead Farm site
8 wouldn't be a relationship?

9 MR. HARRIS: Well, you didn't ask him
10 that.

11 MS. BINGHAM: I asked him what waste
12 transported by De Rewal ended up at Boarhead Farm
13 site from SPS.

14 THE WITNESS: I'm aware of none.

15 BY MS. BINGHAM:

16 Q. What is the bases for your assertion?
17 What factual information do you have to
18 support that assertion?

19 MR. HARRIS: Well, I think he said
20 there's an absence of information, he says he's aware
21 of no information that suggests that, that was the
22 answer.

23 BY MS. BINGHAM:

24 Q. What is SPS's position either
25 individually or as a member of the Boarhead Farm

Page 80

1 Agreement Group as to the volume of waste from
2 Techalloy which was disposed of at the site?

3 MR. HARRIS: We are not going to answer
4 those questions either. That's not on this list.

5 MS. BINGHAM: It's clearly within the
6 scope of the interrogatories.

7 MR. HARRIS: You and I agreed that the
8 scope of the interrogatories with respect to number
9 seven was the waste streams of SPS, the waste
10 disposal practices of SPS, the relationship to Jonas
11 and De Rewal. We're not going -- we're not here to
12 answer questions about our litigation strategies, our
13 contentions or anything else.

14 MS. BINGHAM: I agree that that largely
15 covered what it was.

16 MR. HARRIS: And, anyway, seven says as
17 they related to the Standard Press Steel facility,
18 which is exactly what we understood and you and I
19 talked about. We're not here to talk about any other
20 answers to interrogatories other than the ones that
21 have to do with their Jenkintown facility.

22 MS. WRIGHT: This is Lynn Wright from
23 Edward and Angell again, is that an instruction not
24 to answer, Glenn?

25 MR. HARRIS: Yeah. Sure. We're not

Page 81

1 going to answer -- this witness is not here today
2 to --

3 MS. WRIGHT: That's all I needed.

4 MR. HARRIS: -- answer any questions
5 about Techalloy, Ashland, or the man on the moon, for
6 that matter.

7 MS. BINGHAM: When will SPS be prepared
8 to answer such a question?

9 MR. HARRIS: If and when we receive an
10 interrogatory that's within the scope of the federal
11 rules of civil procedure we'll respond to it as we're
12 required to do so, if and when we get a deposition
13 notice to seek such information we'll respond to it
14 within the scope of the federal rules of civil
15 procedure, but in our view that hasn't happened yet.

16 BY MS. BINGHAM:

17 Q. What is SPS's position either
18 individually or as a member of the Boarhead Farm
19 Agreement Group as to which hazardous substances if
20 any were contained in the Techalloy waste that were
21 disposed of at the site?

22 MR. HARRIS: Same thing, we're not
23 answering those questions today.

24 MS. BINGHAM: I just want to get the
25 instruction on the record.

21 (Pages 78 to 81)

Page 74

requisitions, etcetera?

A. No.

Q. Do you know if there were some method to which ones Mr. Rambo decided to keep?

A. I have no idea if he kept a portion or all and if there was any method or selection criteria.

Q. Have you ever personally spoken to Mr. Rambo?

A. No.

Q. Okay.

So the company didn't ask him why he kept these particular documents?

A. I don't know the answer to that.

Q. What volume of waste did SPS send to Boarhead Farm?

A. I don't think we sent anything to Boarhead Farm.

Q. What is the basis for that belief?

A. Well, I know that there was at least some sodium cyanide found when Mr. De Rewal was arrested for illegal disposal down on Ontario Street, there were numerous drums down there, SPS is very close to the Philadelphia locations that Mr. De Rewal was using, you know, I know that -- as far as I know,

Page 75

with the possible exception of your client, that there's -- SPS is the only defendant that's ever been identified as potentially sending materials to the Frenchtown site.

Q. When was SPS identified as potentially sending materials to Frenchtown?

A. 1990.

Q. Was that in connection with the remediation of Frenchtown?

A. It was in connection -- it was before the remediation of Frenchtown and continued until after the remediation of Frenchtown was completed.

Q. What types of materials was SPS alleged to have sent to Frenchtown?

A. I think EPA looked at the entire gamut of our dealings with De Rewal when they were talking to us, but there was one document in particular that identified Frenchtown and it was cyanide.

Q. Was that a document that's been produced in this litigation?

A. I believe it has.

Q. Do you know what document it is?

A. Probably -- you have my 104(e)?

Q. I do. They're all tabbed up, but --

A. Why don't you give me the 1996 --

Page 76

MR. HARRIS: How about that one?

THE WITNESS: Yeah, that's it, SPST00325.

BY MS. BINGHAM:

Q. Okay.

Are there any other bases aside from those you've just listed, and we kind of got off on a tangent about Frenchtown, any other bases for your assertion that SPS --

A. You know, as you're aware, I'm here as our 30(B)(6) representative, but I'm also an attorney and I -- I think that you've got the right person to talk about everything on this list here, waste disposal practices, waste streams created, relationship, we're not aware of any relationship outside of these -- these documents for Jonas and De Rewal, I'm not aware of any relationship between SPS or Standard Press Steel and the Boarhead Farm site beyond our participation as a -- one of the active parties that have stepped up to the plate to take care of that site, I just -- I have no -- you know, but I'm not going to sit here and hypothesize with you about all of the potential reasons why our waste generated in that relevant time period went to the site.

Page 77

MS. WRIGHT: I think the question was -- this is Lynn Wright from Edwards and Angell, I think the question was why do you think waste did not go to the site, not why you think it went to the site.

THE WITNESS: I've given you two pretty good reasons why I think it didn't go to the site, sitting here right now --

MR. HARRIS: Hold on a second.

We don't think that question is within the scope of this notice, anyway.

MS. BINGHAM: You don't think that the volume of waste sent is relevant to the relationship between the Boarhead Farm site and Standard Press Steel?

MR. HARRIS: The volume of waste sent where?

MS. BINGHAM: To Boarhead Farm.

MR. HARRIS: He said the answer is none, that's the answer.

MS. BINGHAM: And I'm asking for the basis for that answer.

THE WITNESS: I just gave you --

MR. HARRIS: Well, you know -- we're not here today to present, you know, litigation

20 (Pages 74 to 77)

EXHIBIT H

MELISSA E. FLAX [MF4060]
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
Attorneys for Defendant,
Handy & Harman Tube Company, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,

Plaintiff,

V.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.
02-cv-3830 (LDD)

THIRD AMENDED NOTICE OF DEPOSITION

TO: Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, New Jersey 08043-4636
Attorneys for Plaintiff

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30, deposition upon oral examination of the below deponent(s) will be taken before a notary public or some other officer authorized by law to administer oaths and take depositions, at the offices of Agere, 1110 American Parkway NE, Allentown, Pennsylvania, on February 22, 2005 commencing at 10:00 a.m. This examination is to be conducted from day to day or upon such adjourned date(s) as may be agreed upon until concluded.

Plaintiff Boarhead Farm Agreement Group member Agere by Marianne Santarelli, its representative designated pursuant to Fed. R. Civ. P. 30(b)(6), shall be examined with respect to matters relevant to the within action including, but not limited to, the following:

A. With respect to the Pennsylvania Facility located at 555 Union Boulevard, Allentown, Pennsylvania 18103:

1. The manufacturing operations, including materials used in any process, conducted at the Pennsylvania Facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the Pennsylvania Facility for the period of 1970 through 1977.
3. The waste streams created at the Pennsylvania Facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the Pennsylvania Facility for the period of 1970 through 1977.
5. The waste disposal practices, including any laboratory testing and/or analysis that may have been performed, at the Pennsylvania Facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices, including any laboratory testing and/or analysis that may have been performed, at the Pennsylvania Facility for the period of 1970 through 1977.
7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.

8. The relationship between Marvin Jonas and his business(es) and the Pennsylvania Facility for the period of 1970 through 1977.
9. The relationship between the Boarhead Farm site and the Pennsylvania Facility for the period of 1970 through 1977.

B. With respect to the North Carolina Works facility located at Lexington Road, Winston-Salem, North Carolina:

1. The manufacturing operations, including materials used in any process, conducted at the North Carolina Works facility for the period of 1970 through 1977.
2. The volume and type of raw material purchased for use in the manufacturing operations of the North Carolina Works facility for the period of 1970 through 1977.
3. The waste streams created at the North Carolina Works facility for the period of 1970 through 1977.
4. The identity of current and/or former employees with knowledge regarding the waste streams (including all by-products) created at the North Carolina Works facility for the period of 1970 through 1977.
5. The waste disposal practices, including any laboratory testing and/or analysis that may have been performed, at the North Carolina Works facility for the period of 1970 through 1977.
6. The identity of current and/or former employees with knowledge regarding the waste disposal practices, including any laboratory testing and/or analysis that may have been performed, at the North Carolina Works facility for the period of 1970 through 1977.

7. The relationship between Manfred DeRewal, Sr., his employees and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.
8. The relationship between Marvin Jonas and his business(es) and the North Carolina Works facility for the period of 1970 through 1977.
9. The relationship between the Boarhead Farm site and the North Carolina Works facility for the period of 1970 through 1977.

C. With respect to costs expended by Agere in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site:

1. The money that Agere has expended in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site.

D. With respect to any money recovered by Agere that was expended in connection with the investigation and/or remediation of the Boarhead Farm Superfund Site:

1. Any and all money recovered by Agere from any source whatsoever including, but not limited to, insurance proceeds, settlements, etc.

E. With respect to the claims against each of the defendants in this action:

1. The basis for the filing of the complaint against each of the defendants.
2. The volume and type(s) of waste alleged to have come from each of the defendants and disposed of at the Boarhead Farm Superfund Site.

Dated: February 9, 2005

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

By: 

MELISSA E. FLAX [MF4060]

EXHIBIT I

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP
PLAZA 1000 - SUITE 500
MAIN STREET
VOORHEES, NEW JERSEY 08043-4636
856-761-3400
FAX: 856-761-1020
LAWYERS@BALLARDSPAHR.COM

PHILADELPHIA, PA
BALTIMORE, MD
CAMDEN, NJ
DENVER, CO
SALT LAKE CITY, UT
WASHINGTON, DC
PARTNER RESPONSIBLE FOR
VOORHEES, NJ PRACTICE
BENJAMIN A. LEVIN

GLENN A. HARRIS
DIRECT DIAL: 856-761-3440
PERSONAL FAX: 856-761-9001
HARRISG@BALLARDSPAHR.COM

February 15, 2005

By Facsimile

Melissa Flax, Esquire
Carella, Byrne, Bain, Gilfillian, Cecchi,
Stewart & Olstein, P.C.
Six Becker Farm Road
Roseland, NJ 07068-1739

Re: Boarhead Litigation

Dear Melissa:

This letter is in response to your letter of February 9, 2005. Ms. Santarelli has been designated by Agere to testify on behalf of Agere as to the matters set forth in your initial (and amended) Notice of Deposition. The date for that deposition was agreed to as February 22, 2005. Agere has not designated Ms. Santarelli, or anyone else, to testify on its behalf with respect to topics D and E in your Third Amended Notice of Deposition, and would not designate Ms. Santarelli for those additional topics.

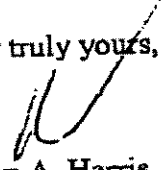
Moreover, the information sought in topics D and E is objectionable. Money "recovered" from Agere is neither relevant to claims or defenses in this matter nor would it lead to the discovery of admissible evidence. The Court has ruled, at the Defendants' request, that the Uniform Comparative Fault Act applies to settlements in this matter. Any defendants remaining at trial will accordingly be entitled to a pro rata credit for the liability, if any, of any settled parties as proven at trial. The dollar amounts of such settlements are totally irrelevant. Similarly, the source of the funds used by Agere to fund its shares of the OU-1 and OU-2 costs has no bearing upon the recoverability of those costs (see, for example, the collateral source rule). With respect to topic E, this topic seeks contention discovery that the Court has ruled is premature. Your client cannot obtain through the means of a Rule 30(b)(6) deposition the very information that the Court has already ruled cannot be obtained pursuant to written discovery requests.

VH_DOCS_A #179973 v1

Melissa Flax, Esquire
February 15, 2005
Page 2

Accordingly, Agere has no obligation to designate a person to testify on its behalf with respect to the information sought in topics D and E. I request that you immediately withdraw the Third Amended Deposition Notice for the reasons stated above. I will assume, unless I hear from you to the contrary, that your client wishes to proceed with the scheduled deposition of Agere's representative with respect to the Amended Notice of Deposition. If not, please so inform me as soon as possible.

Very truly yours,


Glenn A. Harris

GAH/dmn

VH_DOCS_A #179973 v1

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP
PLAZA 1000 • SUITE 500
MAIN STREET
VOORHEES, NEW JERSEY 08043-4636
856-761-3400
FAX: 856-761-1020
LAWYERS@BALLARDSPAHR.COM

BALTIMORE, MD
DENVER, CO
PHILADELPHIA, PA
SALT LAKE CITY, UT
WASHINGTON, DC
WILMINGTON, DE

PARTNER RESPONSIBLE FOR
VOORHEES, NJ PRACTICE
BENJAMIN A. LEVIN

PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Melisa Flax	Carella, Byrne, Bain	973-994-1744	973-994-1700

From: Glenn A. Harris
Phone: (856) 761-3440
Date: February 15, 2005
Matter: 892241 / 5657

Total number of pages including this page: 3
If you do not receive all the pages, please call 856-761-3400

Please Note: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the individual or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received the communication in error, or if any problems occur with transmission, please notify us immediately by telephone. Thank you.

EXHIBIT J

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN, P.C.

COUNSELLORS AT LAW

5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com

February 22, 2005

CHARLES C. CARELLA
BRENDAN T. BYRNE
JOHN N. BAIN
JOHN G. GILFILLAN, III
PETER G. STEWART
ELLIOT M. OLSTEIN
ARTHUR T. VANDERBILT, II
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
KENNETH L. WINTERS
JEFFREY A. COOPER
CARL R. WOODWARD, III
NABIL N. KASSEM
MELISSA E. FLAX
DENNIS F. GLEASON
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
KHOREN BANDAZIAN
THOMAS P. MONAHAN, JR.*

*CERTIFIED BY THE SUPREME COURT
OF NJ AS A CIVIL TRIAL ATTORNEY

RICHARD K. MATANLE, II
DONALD S. BROOKS
RAYMOND R. SIBERINE
FRANCIS C. HAND
AVRAM S. EULE
LINDSEY H. TAYLOR
ROBERT I. HALPERN^o
RAYMOND W. FISHER
DAVID J. REICH
OF COUNSEL

RAYMOND J. LILLIE
WILLIAM SQUIRE
ROBERT P. DONOVAN
ALAN J. GRANT^o
MICHAEL P. PASQUALE
LAURA S. MUNZER
MARC D. MICELI
RAYMOND E. STAUFFER^o
KERRIE R. HESLIN
ROBERT C. SCRIVO
JACOB A. KUBERT
^oMEMBER N.Y. BAR ONLY

JAMES D. CECCHI (933-1995)

Via Facsimile and Ordinary Mail

Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, New Jersey 08043-4636

**RE: Boarhead Farm Agreement Group v. Advanced
Environmental Technology Corporation, et al.
Case No. 02-03830 (LDD)
Our File No. 300580-21
Your File No. 892241**

Dear Glenn:

I write in response to your letter dated February 15, 2005 and as a follow up to my email to you dated February 18, 2005 with respect to the Third Amended deposition notice for a representative(s) from Agere.

With respect to your objection to Item D in the notice and your refusal to produce a representative to respond to questions relating to that topic, Handy & Harman Tube Company reserves its right to seek relief from the Court at a future date.

With respect to your objection to Item E in the notice, please advise me if what you are really saying is that you will produce someone after discovery is complete or if you are saying that under no circumstances will you produce any representative to respond to questions relating to Item E. Since discovery ends on March 18, 2005, we need to resolve this issue. If you have no intention of producing a witness to respond to questions under Item E, then we will need to go to Court. If, on the other hand, you will be producing someone at the conclusion of discovery, we need to schedule that deposition since we have a deadline to meet.

Glenn A. Harris, Esq.
February 22, 2005
Page 2

Please advise me as to your position regarding Item E in the deposition notice to Agere.

Very truly yours,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN



MELISSA E. FLAX

MEF

Cc: All Counsel (via facsimile and ordinary mail)

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:06am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 077
 Date : Feb-22 11:05am
 To : 526#300580#21#18567619001#
 Number of pages : 003
 Start time : Feb-22 11:05am
 End time : Feb-22 11:06am
 Pages sent : 003
 Status : OK
 Job number : 077

*** SEND SUCCESSFUL ***

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR:
 TIME COMPLETED:

EXT. NO.:

OUR FILE NO.: 300580-21

FAX NO.

DATE: February 22, 2005

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:08am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 078
 Date : Feb-22 11:05am
 To : 2526#300580#21#12158649266#
 Number of pages : 003
 Start time : Feb-22 11:06am
 End time : Feb-22 11:08am
 Pages sent : 003
 Status : OK

Job number : 078

*** SEND SUCCESSFUL ***

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR: CA

TIME COMPLETED: 1108

EXT. NO.: 524

DATE: February 22, 2005

OUR FILE NO.: 300580-21

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

FAX NO.

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carrella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:09am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan et al

Job number : 079
 Date : Feb-22 11:06am
 To : 2526#300580#21#19737401407#
 Number of pages : 003
 Start time : Feb-22 11:08am
 End time : Feb-22 11:09am
 Pages sent : 003
 Status : OK
 Job number : 079

*** SEND SUCCESSFUL ***

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR: OKTIME COMPLETED: 1109EXT. NO.: 524OUR FILE NO.: 300580-21DATE: February 22, 2005

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

FAX NO.

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:10am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 080
 Date : Feb-22 11:06am
 To : 526#300580#21#12155683253#
 Number of pages : 003
 Start time : Feb-22 11:09am
 End time : Feb-22 11:10am
 Pages sent : 003
 Status : OK

*** SEND SUCCESSFUL ***

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR:

TIME COMPLETED:

EXT. NO.:

OUR FILE NO.: 300580-21

FAX NO.

DATE: February 22, 2005

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:33am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 090
 Date : Feb-22 11:21am
 To : 526#300580#21#12155469444#
 Number of pages : 003
 Start time : Feb-22 11:30am
 End time : Feb-22 11:32am
 Pages sent : 003
 Status : OK

Job number : 090

*** SEND SUCCESSFUL ***

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR: CA

TIME COMPLETED: 1132

EXT. NO.: 52P

DATE: February 22, 2005

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

FAX NO.

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

OUR FILE NO.: 300580-21

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:16am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 082
 Date : Feb-22 11:08am
 To : 8526#300580#21#18883259169#
 Number of pages : 003
 Start time : Feb-22 11:15am
 End time : Feb-22 11:16am
 Pages sent : 003
 Status : OK

Job number : 082

*** SEND SUCCESSFUL ***

**CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN**
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR: CA

TIME COMPLETED: 1116

EXT. NO.: 52P

DATE: February 22, 2005

OUR FILE NO.: 300580-21

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Packerthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

FAX NO.

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:35am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 094
 Date : Feb-22 11:31am
 To : 526#300580#21#12153432075#
 Number of pages : 003
 Start time : Feb-22 11:34am
 End time : Feb-22 11:35am
 Pages sent : 003
 Status : OK
 Job number : 094

*** SEND SUCCESSFUL ***

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

DATE: February 22, 2005

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlce & Hurd
 Henderson Weatherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

OPERATOR:

TIME COMPLETED:

EXT. NO.:

OUR FILE NO.: 300580-21

FAX NO.

(856) 761-9001 - 1102
 (215) 864-9266 - 1102
 (973) 740-1407 - 1102
 (215) 568-3253 - 1112
 (215) 546-9444 -
 (888) 325-9169 - 1112
 (215) 343-2075
 (610) 279-0696 - 1124
 (215) 988-2757 - 1125
 (215) 979-1020 - 1127

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:24am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 084
 Date : Feb-22 11:09am
 To : 526#300580#21#16102790696#
 Number of pages : 003
 Start time : Feb-22 11:22am
 End time : Feb-22 11:24am
 Pages sent : 003
 Status : OK

*** SEND SUCCESSFUL ***

Job number : 084

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR: CA

TIME COMPLETED: 1124

EXT. NO.: 524

DATE: February 22, 2005

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weatherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

FAX NO.

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:25am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan et al

Job number : 085
 Date : Feb-22 11:09am
 To : 526#300580#21#12159882757#
 Number of pages : 003
 Start time : Feb-22 11:24am
 End time : Feb-22 11:25am
 Pages sent : 003
 Status : OK
 Job number : 085

*** SEND SUCCESSFUL ***

**CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN**
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR:

TIME COMPLETED:

EXT. NO.:

OUR FILE NO.: 300580-21

FAX NO.

DATE: February 22, 2005

NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Packerthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

Confirmation Report - Memory Send

Page : 001
 Date & Time: Feb-22-05 11:27am
 Line 1 : +9739941744
 Line 2 : +9739941744
 Machine ID : Carrella Byrne Bain Gilfillan etal

Job number : 086
 Date : Feb-22 11:10am
 To : 526#300580#21#12159791020#
 Number of pages : 003
 Start time : Feb-22 11:25am
 End time : Feb-22 11:27am
 Pages sent : 003
 Status : OK
 Job number : 086

*** SEND SUCCESSFUL ***

CARELLA, BYRNE, BAIN, GILFILLAN
 CECCHI, STEWART & OLSTEIN
 6 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 (973) 994-1744 (FAX)

OPERATOR:

TIME COMPLETED:

EXT. NO.:

OUR FILE NO.: 300580-21

FAX NO.

DATE: February 22, 2005
 NAME

Glenn A. Harris, Esq.
 Monique M. Mooney, Esq.
 Thomas W. Sabino, Esq.
 Robert M. Morris, Esq.
 Richard C. Biedrzycki, Esq.
 Lynn Wright, Esq.
 Stephen P. Chawaga, Esq.
 Edward Fackenthal, Esq.
 Andrew P. Foster, Esq.
 Seth v.d.H. Cooley

FIRM

Ballard, Spahr, Andrews & Ingersoll
 Ballard, Spahr, Andrews & Ingersoll
 Wolff & Samson
 Morris & Adelman, P.C.
 Phelan, Pettit & Biedrzycki
 Edwards & Angell
 Monteverde, McAlee & Hurd
 Henderson Weitherill, O'Hey
 Drinker, Biddle & Reath, LLP
 Duane Morris LLP

(856) 761-9001
 (215) 864-9266
 (973) 740-1407
 (215) 568-3253
 (215) 546-9444
 (888) 325-9169
 (215) 343-2075
 (610) 279-0696
 (215) 988-2757
 (215) 979-1020

FROM: Melissa E. Flax, Esq.

Total Pages Including Transmittal Sheet: 3

COMMENTS:

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:



Ordinary Mail
 Messenger



Overnight Mail
 This will be the only form of
 delivery of this Document

EXHIBIT K

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN, P.C.

COUNSELLORS AT LAW

5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com

April 8, 2005

CHARLES C. CARELLA
BRENDAN T. BYRNE
JOHN N. BAIN
JOHN G. GILFILLAN, III
PETER G. STEWART
ELLIOT M. OLSTEIN
ARTHUR T. VANDERBILT, II
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
KENNETH L. WINTERS
JEFFREY A. COOPER
CARL R. WOODWARD, III
NABIL N. KASSEM
MELISSA E. FLAX
DENNIS F. GLEASON
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
KHOREN BANDAZIAN
THOMAS P. MONAHAN, JR.*

RICHARD K. MATANLE, II
DONALD S. BROOKS
RAYMOND R. SIBERINE
FRANCIS C. HAND
AVRAM S. EULE
LINDSEY H. TAYLOR
ROBERT I. HALPERN^o
RAYMOND W. FISHER
DAVID J. REICH
OF COUNSEL

RAYMOND J. LILLIE
WILLIAM SQUIRE
ROBERT P. DONOVAN
ALAN J. GRANT^o
MICHAEL P. PASQUALE
LAURA S. MUNZER
MARC D. MICELI
RAYMOND E. STAUFFER^o
KERRIE R. HESLIN
ROBERT C. SCRIVO
JACOB A. KUBERT
^oMEMBER N.Y. BAR ONLY

JAMES D. CECCHI (1933-1995)

*CERTIFIED BY THE SUPREME COURT
OF NJ AS A CIVIL TRIAL ATTORNEY

Via Facsimile and Ordinary Mail

Glenn A. Harris, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
Plaza 1000 – Suite 500
Main Street
Voorhees, New Jersey 08043-4636

**RE: Boarhead Farm Agreement Group v. Advanced
Environmental Technology Corporation, et al.
Case No. 02-03830 (LDD)
Our File No. 300580-21
Your File No. 892241**

Dear Glenn:

Upon a review of this matter, Handy & Harman Tube Company, Inc. hereby withdraws that portion of Item D in the Third Amended Notice of Deposition dated February 9, 2005 which sought a Rule 30(b)(6) designee to testify about settlements.

Very truly yours,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN



MELISSA E. FLAX

MEF

Cc: All Counsel of Record